

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WINE & CANVAS DEVELOPMENT, LLC)
Plaintiff,)
vs.) Case No. 1:11-cv-01598-TWP-DKL
THEODORE WEISSER, CHRISTOPHER)
MUYLLE, YN CANVAS CA, LLC, and ART)
UNCORKED,)
Defendants.)
CHRISTOPHER MUYLLE,)
Counterclaim Plaintiff and)
Third Party Plaintiff,)
vs.)
WINE & CANVASS DEVELOPMENT, LLC,)
Counterclaim Defendant, and)
DONALD McCACKEN, ANTHONY SCOTT,)
and TAMRA SCOTT,)
Third Party Defendants.)

**DEFENDANT CHRISTOPHER MUYLLE'S
PRELIMINARY WITNESS AND EXHIBIT LISTS**

Defendant/Counterclaim Plaintiff/Third Party Plaintiff, Christopher Muylle, files his Preliminary Witness and Exhibit List pursuant to the Amended Case Management Order approved by the Court on November 29, 2012:

WITNESSES

1. Christopher Muylle
2. Theodore Weisser
3. Anthony Scott
4. Tamra McCracken Scott

5. Donald McCracken
6. Kathryn Yost
7. Instructors for the plaintiff's and the defendants' businesses
8. Representatives, instructors, and employees of other franchisees or affiliates of Wine & Canvas Development, LLC
9. Any witnesses listed on the plaintiff's or third party defendants' witness lists
10. Any witnesses necessary to authenticate any evidence in this case
11. Any witnesses necessary for rebuttal purposes

EXHIBITS

1. License Agreement signed by Christopher Muylle and Theodore Weisser, attached to Amended Complaint (Doc. 36-2).
2. Communications between the parties concerning the allegations in the complaint or counterclaims
3. Agreements and proposed agreements between the parties
4. Corporate documents of Wine & Canvas Development, LLC, YN Canvas CA, LLC, Weisser Management Group, LLC, or any other related entity
5. Dictionary definitions of the terms "wine" and "canvas"
6. Email announcement sent to Art Uncorked's customers on January 22, 2012
7. Printouts from the websites of the parties
8. Exhibits attached to the pleadings in this case
9. Deposition transcripts and deposition exhibits taken in this matter
10. All discovery responses served in this matter
11. All documents produced by the parties in this matter

12. All exhibits listed by the plaintiff or third party defendants

13. All exhibits needed for rebuttal and impeachment purposes

Defendant Muylle reserves the right to supplement his Preliminary Witness and Exhibit

Lists.

Respectfully submitted,

PRICE WAICUKAUSKI & RILEY, LLC

/s/ CAROL NEMETH JOVEN

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was this 4th day of February, 2013, served upon the following counsel of record via the Court's ECF filing system:

P. Adam Davis
adavis@d-slaw.com

Charles Johnson Meyer
William A. McKenna
cmeyer@uspatent.com
wmckenna@uspatent.law

I certify that a copy of the foregoing was this 4th day of February, 2013, served upon the following party via electronic mail:

Theodore Weisser
25 Rodeo Ave., Apt. 2
Sausalito, CA 94965
ted@art-uncorked.com

/s/ CAROL NEMETH JOVEN